

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14794 of 2006

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1. Ram Bilash Yadav , son of Late Bankar Yadav, resident of village - Bhaduli, P.S. – Benipatti (Arer), District – Madhubani
 2. Soti Sah, son of Late Janak Sah
 3. Seeta Ram Mukhiya, son of Late Sheopujan Mukhiya
 4. Uttim Lal Sah, son of Late Janak Sah
 5. Yogendra Yadav, son of Late Subedar Yadav
 6. Jiya Lal Yadav, son of Late Manog Yadav
 7. Girija Devi, widow of Late Shyam Pd. Gupta
 8. Mahendra Yadav, son of Late Awadh Yadav
 9. Biltu Yadav, son of Late Jamindar Yadav
 10. Aagair Devi, wife of Late Mushar Yadav
 11. Sone Lal Yadav, son of Late Jimdar Yadav
 12. Asharfi Yadav, son of Late Jimdar Yadav
 13. Jagdeo Yadav, son of Sri Asharfi Yadav
 14. Bhogendra Jha, son of Late Sobha Kant Jha
- Petitioners 2 to 14 are residents of village - Parkauli, P.S. – Benipatti (Arer) District – Madhubani
15. Rajendra Yadav, son of Late Shyam Lal Yadav, resident of village - Bhaduli, P.S. – Benipatti (Arer), District - Madhubani
 16. Bisheshwar Yadav, son of Late Nirdhan Yadav
 17. Ram Briksh Mukhiya, son of Late Singheshwar Mukhiya
- Both nos. 16 and 17 are residents of village - Parkauli, P.S. – Benipatti (Arer), District - Madhubani

.... Petitioners

Versus

1. The State Of Bihar
 2. The District Collector, Madhubani
 3. The Deputy Collector Land Reforms, Benipatti, P.S. – Benipatti, District - Madhubani
 4. Bhalchandra Mishra, son of Late Devendra Chandra Mishra
 5. Bimal Chandra Mishra, son of Late Ganesh Chandra Mishra
- Both nos. 4 and 5 are residents of village – Dhakjari, P.S. – Benipatti (Arer), District - Madhubani

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dr.Mrityunjaya Kr.Gautam
Mr. Yogendra Kumar
Mr. Durgesh Kumar
Mr. Hriday Narayan Harshit
Mr. Ram Naresh Roy

For the Respondent/s : Mr. (Aag2)
Mr. Jitendra Kumar Pandey
Mr. Subodh Kumar Jha
Mr. Ram Chandra Jha'Raman'
Mr. Krishna Kumar
Mr. Bidhan Chandra Jha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

6 08-04-2013

Heard learned counsel for the petitioners, learned A.C. to A.A.G. No. 2 as well as learned counsel who has appeared on behalf of private respondents.

The present writ petition is in relation to a dispute under Section 48E of the B.T. Act, 1885.

At the very outset, it was submitted by Sri Subodh Kumar Jha, learned counsel for private respondents that during the pendency of the present writ petition an appropriate forum for adjudicating such dispute has already been constituted and functioning under the provision of Bihar Land Tribunal Act, 2009, and as such, according to him, this matter may be referred to the Tribunal.

The plea taken by learned counsel for private respondents was not disputed by either of the parties. The court is also of the opinion that since for adjudicating such dispute an appropriate forum has already been constituted, it would be better to refer the matter to the same authority i.e. "Land Tribunal". Accordingly, in view of provision contained in Section 15 of the Bihar Land Tribunal Act, 2009, the Registry is directed

to transmit the record of this case to the Tribunal forthwith.

(Rakesh Kumar, J)

Praful/-

